

**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF CALIFORNIA**

MATTHEW CASTANEDA,

Plaintiff,

v.

BARTON, *et al.*,

Defendants.

Case No. 1:20-cv-01088-JLT-BAM (PC)

ORDER GRANTING REQUEST TO  
VACATE SETTLEMENT CONFERENCE  
(ECF No. 25)

ORDER LIFTING STAY OF PROCEEDINGS

ORDER VACATING FEBRUARY 15, 2022  
SETTLEMENT CONFERENCE  
(ECF No. 21)

ORDER DIRECTING CLERK OF COURT TO  
ISSUE DISCOVERY AND SCHEDULING  
ORDER

Plaintiff Matthew Castaneda (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Sherman for unconstitutional conditions of confinement in violation of the Eighth Amendment.

On December 14, 2021, the Court identified this case as an appropriate case for the post-screening ADR (Alternative Dispute Resolution) project, and stayed the action to allow the parties an opportunity to settle their dispute before the discovery process begins. (ECF No. 21.) The Court’s order granted Defendant time to investigate and determine whether to opt out of the post-screening ADR project.

1 On January 12, 2022, Defendant filed a notice of opt-out and request to vacate settlement  
2 conference. (ECF No. 25.) Therefore, the stay is lifted, and the February 15, 2022, settlement  
3 conference is vacated. This case is now ready to proceed.

4 If the parties wish to set a settlement conference with the Court at a later date, they should  
5 so inform the Court. However, the parties are also reminded that they are not precluded from  
6 negotiating a settlement without judicial assistance.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Defendant's request to vacate settlement conference, (ECF No. 25), is GRANTED;
- 9 2. The stay of this action, (ECF No. 31), is LIFTED;
- 10 3. The February 15, 2022 settlement conference is VACATED;
- 11 4. The Clerk of the Court is DIRECTED to issue a discovery and scheduling order;  
12 and
- 13 5. The parties may proceed with discovery pursuant to the discovery and scheduling  
14 order to be issued by separate order.

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16 IT IS SO ORDERED.

17 Dated: January 13, 2022

/s/ Barbara A. McAuliffe  
18 UNITED STATES MAGISTRATE JUDGE  
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